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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,865	05/04/2007	Anders Andersson	4660-10	7775
23117 7590 03/01/2010 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER BEYEN, ZEWDU A				
ART UNIT		PAPER NUMBER		
2461				
MAIL DATE		DELIVERY MODE		
03/01/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/584,865

**Applicant(s)**

ANDERSSON, ANDERS

**Examiner**

ZEWDU BEYEN

**Art Unit**

2461

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 27-50.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Huy D Vu/  
Supervisory Patent Examiner, Art Unit 2461

/ZEWDU BEYEN/  
Examiner, Art Unit 2461

Continuation of 11. does NOT place the application in condition for allowance because: Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the rejection is based on the combined system, and thus one must consider the rejection as a whole system. Applicant argues that the combination of Boland and Chavez fails to teach the coverage area priority tables. Chavez does not provide different quality of service in different coverage areas as is the case in the claims; Chavez does not disclose or suggest a scheme where a plurality of user-devices can have the same priority in the same coverage area and thus be assigned the same quality of service as defined in the independent claims. Examiner respectfully disagrees, the claim language states "assigning one or more priority-groups to a user-register, providing a number of priority-tables, each associated with one or several coverage areas of the system, providing said priority-tables with one or several priority-levels, where each priority-level is assigned one or several priority-groups, providing said priority-tables with an area-identifier that associates the priority-table with a coverage area, retrieving the present coverage area ~br said user-device, identifying a priority-table by matching the possible match of the priority-groups defined in the user-register and the priority-groups assigned to the priority-levels in the priority-table, the quality of service associated with a priority-level is assigned to the user-device." it is noted that the claim limitations do not disclose "where a plurality of user-devices can have the same priority in the same coverage area and thus be assigned the same quality of service as defined in the independent claims". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. Boland teaches assigning one or more priority-groups to a user-register (abstract discloses dividing a wireless communication cell sites into a plurality of service priority groupings, and provide guaranteed communication service to priority wireless communication subscribers. Furthermore, par.[0012] discloses defining a priority data for wireless subscribers in the Home Location Register). Further more, Boland teaches depending on a possible match of the priority-groups defined in the user-register and the priority-groups assigned to the priority-levels in the priority-table, the quality of service associated with a priority-level is assigned to the user-device (abstract discloses providing guaranteed communication service to priority wireless communication subscribers, and wireless subscribers who have been assigned a predetermined service priority are provided with access to reserved wireless communication). In addition, Chavez teaches providing a number of priority-tables, each associated with one or several coverage areas of the system (see figs.2-4). In addition to the above arguments, applicant failed to address the claims rejected under 35 U.S.C. 112, second paragraph on the Final office action.